

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
____ Civ. ____ (HB)

Plaintiff(s),
-against-

Defendant(s).

PRETRIAL
SCHEDULING ORDER

-----X
APPEARANCES:

Plaintiff(s) by: _____

Defendant(s) by: _____

HAROLD BAER, Jr., District Judge:

Do the parties consent to proceed before a United States Magistrate for all purposes, pursuant to 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73?

Yes ____ No ____

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, after holding an initial pretrial conference on notice to all parties, it is hereby ordered that:

Except under circumstances agreed to by the Court:

1. No additional parties may be joined after _____.
2. No additional causes of action or defenses may be asserted after _____.
3. **Discovery:** All discovery shall be commenced in time to be completed by _____, _____. As the Court rarely grants extensions, any delays or disputes in the taking of discovery should be reported to the Court immediately.
4. **Motions:** No party may make a dispositive motion returnable after _____, _____. Either party may request (and will be given a date by Chambers) for oral argument. The above date is the date by which any motion shall be fully briefed (i.e., moving, opposition and reply papers) and a courtesy copy delivered to Chambers.

In deciding the last date to submit fully briefed motions and your agreed to trial month, keep in mind that the Court requires at least 60 days to decide dispositive motions.

5. **Joint Pretrial Order:** A joint pretrial order shall, unless waived by the Court, be submitted by _____, _____. The pretrial order shall conform to the Court's Individual Practice and Rules. Counsel may inquire of Chambers with respect to the filing date(s) for requests to charge, proposed voir dire, and motions in limine, but in no event are they to be submitted less than five (5) business days (fully briefed) before the date set for trial.

6. Jury __. Non-Jury __. Estimated number of trial days is _____. **This case is added to the _____ Trailing Trial Calendar.** Counsel should not make any other commitments during this month. As a general rule, all cases will be tried within six to eight months from the date of the first pretrial conference, or earlier if possible.

7. The law clerk assigned to this case is _____, to whom all correspondence should be directed.

8. Upon request to Chambers by either side, the Court will schedule and conduct a settlement conference and/or mediation. The Court will also, upon request, facilitate mediation under the Court Mediation Program or a settlement conference before your Magistrate Judge. In the case of a mediation to be conducted by the Court, all parties must bring their respective clients to the mediation. Keep in mind, closure, for the most part, is accomplished in direct proportion to how early in the litigation the mediation occurs. Any ADR procedure must occur within the framework of this order.

9. Whenever a case is resolved, the parties must submit an Order of Discontinuance, signed by all parties. When the parties settle within forty-eight hours of trial or the filing of a dispositive motion, they must notify the Court immediately of such settlement, and fax to the Court no less than thirty-six hours prior to their planned appearance, an Order of Discontinuance (copy attached), signed by all parties.

10. The parties' signatures below represent their understanding and agreement that this schedule is final and binding upon them unless the Court concludes that extraordinary circumstances warrant an extension with respect to one or more than one of the scheduled dates.

For Plaintiff

For Defendant

For Defendant

For Plaintiff

SO ORDERED.

DATED: New York, New York

_____, ____

HAROLD BAER, JR.
United States District Judge

7/02

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

- against -

_____ Civ. _____ (HB)

**ORDER OF
DISCONTINUANCE**

-----X
Hon. HAROLD BAER, JR., District Judge:

This cause having duly come on to be heard before me and the attorneys for all parties having advised the Court that all claims asserted herein are settled or are in the process of being settled, it is hereby

ORDERED that the above entitled action be and hereby is discontinued with prejudice and without costs to either party. Should settlement not be finalized by _____, any party may apply to have the action reopened, and it is further

ORDERED that the Clerk of the Court is instructed to dismiss any pending motions, close this case and remove it from my docket.

SO ORDERED:
New York, New York

Dated: _____

U.S.D.J.

I hereby consent to the entry of this proposed order:

Attorneys for Plaintiff

Attorneys for Defendant

Attorneys for Third-party